IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 131 OF 2005

IN

FAMILY COURT APPEAL NO. 75 OF 2005

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.Nitin V. Gangal for the Applicant.

Mr.B.G. Tanksali for the Respondent.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 26TH AUGUST 2005

P.C. :

1. Heard Mr.Gangal in support of this Civil Application. Mr.Tanksali appears for the Respondent. The Applicant and the Respondent are both present.

2. Prayer (a) of the Civil Application seeks stay of the impugned judgment and decree. Inasmuch as the Appeal is admitted, normally we grant stay of the decree. Mr.Tanksali makes a statement on the instructions of the Respondent, who is present in Court, that he is not going to remarry and in any case until the Appeal is heard.

This being so, no order is required on prayer (a) in view of the above statement.

3. Prayer (b) of the Civil Application seeks interim maintenance of Rs.5,000/- per month. From the judgment of the Trial Court, we do not find any such prayer was made in the main petition for such a relief and hence when the petition filed by the Respondent herein is finally allowed, there is no discussion or any order on maintenance. That apart, what we find is that the Respondent has a very meagre income and, prima facie, there is no reason to disbelieve his submission that the Applicant is working as a nurse or in some other para-medical capacity. Prayer (b) is therefore rejected. So also prayer (c) for the litigation expenses.

4. Civil Application stands disposed of.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)